Integrated Pest Management Act and Regulations

Intentions Paper – Questions and Answers

British Columbia Ministry of Water, Land and Air Protection

September 2004

Integrated Pest Management Act and Regulations
Intentions Paper – Questions and Answers

TABLE OF CONTENTS

LIST OF ACRONYMS AND TERMS iii

INTRODUCTION 1

A. GENERAL INFORMATION 1

1. What is Integrated Pest Management (IPM)? 1
2. What is a "pesticide" and how are pesticides classified under the Act? 2
3. Who has power to make and administer regulations under the Act? What is the role of IPM Committee and Environmental Appeal Board? What decisions can be appealed under the Act? 4
4. What general standards for the labelling, storage, transport and disposal of pesticides must be followed? 4

B. INFORMATION FOR PESTICIDE VENDORS (LICENSEES) 5

1. Who requires a licence? Who is exempted from general licencing requirements? 5
2. What are the fees and terms of a pesticide vendor licence? 6
3. What certified staff is a licensee required to engage, and what is their role? 6
4. Who may pesticides be sold to? What information must be provided to purchasers? 6
5. What are the requirements for pesticide storage and signage at a vendor site? 6
6. How are pesticide sales recorded and reported? 7

C. INFORMATION FOR PESTICIDE USERS ("SERVICE" AND "NON-SERVICE" LICENSEES) .. 7

1. Who requires a licence? Who is exempted from general licencing requirements? 7
2. What are the fees and terms of pesticide user licences? 9
3. What certified staff is a licensee required to engage, and what is their role? 9
4. How will a licensee be required to use Integrated Pest Management? 10
5. What measures must a licensee undertake in order to protect human health and the environment when using pesticides? 10
6. What records of pesticide use need to be maintained? 10
7. What records of pesticide use must be submitted annually to the Administrator? 11
8. How must the Administrator be informed of specified pesticide uses, or an unplanned release of a pesticide? 12
9. What is the content of a treatment notice for use when pesticides are to be used in living accommodations, in common and restricted access areas of multi-residence buildings and in outdoor public use areas? If the notice must be posted, how should it be displayed? 12
10. What are the notification requirements for use of pesticides in living accommodations, in common and restricted access areas of multi-residence buildings and in outdoor public use areas? What situations are exempted from notification requirements? 13
11. What specific notification is required for use of pesticides in schools and childcare facilities? 15
12. What specific notification requirements apply to pesticide use for the control of mosquitoes using fogging on private lands? 15
13. What specific notification requirements apply to use of fumigant gases? 15
14. What specific notification requirements apply to pesticide use for forest vegetation management (in situations that do not require a PMP registration)? 15

D. OBTAINING A CERTIFICATE FOR THE SALE OR USE OF PESTICIDES 16

1. Who requires a certificate? What are the examination requirements? What is the term? What is required to renew a certificate? 16
2. What are the fees for certification and renewal? 17

E. OBTAINING A PERMIT FOR SPECIFIED PESTICIDE USES 17

1. What pesticide uses require a permit? In what situations is a permit not required? 17
2. What are the application requirements for a permit? How long is a permit valid? What is the permit fee? 18
3. What consultation actions are required of a permit applicant? 18
4. What certified staff is a permittee required to engage, and what is their role? 18
5. What are the public notification requirements for use of pesticides under a permit? 19

F. USING PESTICIDES UNDER A PEST MANAGEMENT PLAN REGISTRATION 19

1. What classes of pesticides and pesticide uses require PMP registration? 19
2. What is the process for preparing a PMP, receiving ministry confirmation and proceeding with IPM and pesticide use? 20
3. What are the required contents of a Pest Management Plan (PMP)? 21
4. What consultations must an applicant for a PMP registration conduct? 21
5. What information must be submitted to the ministry in a pesticide use notice? 22
6. How long is a PMP registration valid? What are the fees for submission of a pesticide use notice? 23
7. How may a pesticide use notice be amended? What is the fee? 23
8. What is an annual notification of intended pesticide use and what information should be provided to the Administrator? 23
9. What public notification is required before the holder of a PMP registration uses pesticides? 24
10. What certified staff is the holder of a PMP registration required to engage, and what is their role? 24
11. What records must be maintained and what must be reported to the Administrator? 24
12. How should the holder of a PMP registration use Integrated Pest Management? 25
13. What measures must a holder of a PMP registration undertake in order to protect human health and the environment when using pesticides? 25

G. STANDARDS FOR THE PROTECTION OF HUMAN HEALTH AND THE ENVIRONMENT WHEN USING PESTICIDES 26

1. What human health and environmental protection standards apply to every person using a pesticide? 26
2. What additional general human health and environmental protection standards must all licensees and holders of a PMP registration follow? 26
3. What additional general human health and environmental protection standards must holders of a PMP registration follow? 27
4. What additional human health and environmental protection standards apply to pesticides used for forest vegetation management? 28
5. What additional human health and environmental protection standards apply to pest management on railways (including rights-of-way and associated facilities)? 28
6. What additional human health and environmental protection standards apply to pesticides used for control of invasive plants (noxious weeds)? 29
7. What additional human health and environmental protection standards apply to use of pesticides for mosquito control? 29
8. What specific human health and environmental protection standards apply to use of particular pesticides (glyphosate, picloram, triclopyr, *Bt*, fumigant gases, rodenticide baits, slug bait)? 29

H. REQUIREMENTS FOR A PRIVATE FOREST LANDOWNER HOLDING A LICENCE FOR MANAGEMENT OF VEGETATION ON PRIVATE FOREST LAND 32

1. Under the proposal put forward by the Private Forest Landowners Association, what are the requirements for a private forest landowner practicing forestry under a licence? 32

List of Acronyms and Terms

Bti	*Bacillus thuringiensis* var. *israeliensis*
Btk	*Bacillus thuringiensis* var. *kurstaki*
cm	centimetres
cm^2	square centimetres
ha	hectares
IPM	Integrated Pest Management
IPM Act	*Integrated Pest Management Act*
kg	kilograms
m	metres
m^2	square metres
MSMA	Monosodium methane arsonate
MWLAP (the ministry)	Ministry of Water, Land and Air Protection
NIT	Notice of Intent to Treat
Pesticide use notice	A notice issued to the ministry indicating a proponent has intentions to use pesticides and has prepared a PMP as required by the *IPM Act* and Regulations
PCA	*BC Pesticide Control Act* (predecessor of *IPM Act*)
PCPA	*Pest Control Products Act* (federal)
PFLA	Private Forest Landowners Association
PMP	Pest Management Plan
PMP registrant	Individual, limited company or corporation who holds a PMP registration and who must ensure compliance with the requirements for pesticide use specified by the *IPM Act* Regulations
PMP registration	Confirmation by the ministry of receipt of a pesticide use notice

105-03625/

Integrated Pest Management Act and Regulations
Intentions Paper – Questions and Answers

Introduction

This "Questions and Answers" section of the *Integrated Pest Management Act* and Regulations *Intentions Paper* provides detailed information about the new Act and proposed regulations currently being prepared by the Environmental Management Branch of the Ministry of Water, Land and Air Protection. The *Intentions Paper* has been formatted in three sections as separate (stand-alone) documents to enable viewing and downloading of the information, and to provide an opportunity for public response.

The three sections of the *Intentions Paper* are:

1. An **Overview**, describing the goals of the *IPM Act* and proposed regulations; the consultation process used to develop the new legislation; key changes resulting from the new legislation; and a description of the legislation's key elements – a "Discussion Box" summarizing a Private Forest Landowners Association proposal for regulating pesticide use on private forest lands is also provided;
2. **Questions and Answers**, providing detailed information concerning the new Act and proposed regulations; and
3. A **Response Form**, including directions for those wishing to make comments on these intentions.

The current schedule is to submit the proposed regulations to the BC Cabinet by the end of 2004 – it is important to note that **comments on the proposed regulations must be received by October 22, ?**

The three components of the *Intentions Paper*, as well as a link to the full text of the *IPM Act*, are posted on the ministry's pesticide legislation renewal webpage. The information can be accessed by clicking on the address below, or from the Ministry of Water, Land and Air Protection homepage, by following the *Environmental Protection Division*, *Environmental Management Branch*, and *Integrated Pest Management* links.

Pesticide legislation renewal webpage: http://wlapwww.gov.bc.ca/epd/epdpa/ipmp/pestact/index.html

Note that throughout this paper, key changes from current legislative requirements are highlighted with a "☞"symbol.

A. General Information

1. What is Integrated Pest Management (IPM)?

The new Act defines Integrated Pest Management as "a process for managing pest populations that includes the following elements:

- Planning and managing ecosystems to prevent organisms from becoming pests;
- Identifying pest problems and potential pest problem ,
- Monitoring populations of pests and beneficial organisms, damage caused by pests and environmental conditions;
- Using injury thresholds in making treatment decisions;
- Suppressing pest populations to acceptable levels using strategies based on considerations of:
  - Biological, physical, cultural, mechanical, behavioural and chemical controls in appropriate combinations, and
  - Environmental and health protection; and
- Evaluating the effectiveness of pest management treatments."

Because it requires a proactive and preventative approach, the use of IPM reduces reliance on pesticides and can lead to a reduction in their use.

2. *What is a "pesticide" and how are pesticides classified under the Act?*

A **pesticide** is defined under the Act as a "micro-organism or material that is represented, sold, used or intended to be used to prevent, destroy, repel or mitigate a pest" (including plant growth regulators, defoliators or desiccants; control products defined in the federal *Pest Control Products Act*; and other substances classed as a pesticide by regulation). The proposed regulations list control products not considered to be pesticides. These include devices or products used to treat human or animal diseases, and products specifically used to control mould or mildew (but not also used for wood preservation).

Pesticide classes under the *IPM Act* are:

- **Permit Restricted**: These are the most strictly controlled pesticides and require a permit for use. Pesticides are assigned to this class because the Administrator considers that their use requires site-specific evaluation of risk to human health or environmental quality.
  ☞ The proposed regulation lists only two Permit Restricted pesticides – 4-aminopyridine (Avitrol) and monosodium methane arsonate (MSMA).
- **Restricted**: These pesticides have the federal class "Restricted" specified on their label. Purchase or use of these pesticides requires a pesticide applicator certificate.
- **Commercial**: These pesticides are classified as "Commercial" under the federal *Pest Control Products Act* and bear the words such as commercial, industrial or agricultural that specify this class on their label.
- **Domestic**: These pesticides are classified as "Domestic" under the federal *Pest Control Products Act* and bear the word "domestic" on their label. They are intended for use by non-professionals – in or around private homes and gardens.
- **Exempted**: These pesticides are exempted from licence, certification, permit or Pest Management Plan (PMP) registration[1] requirements (users are still required to follow label directions and use them in a manner that does not cause an unreasonable adverse effect). Specified pesticides are assigned to this class if the Administrator considers that there will be no significant increase in risk to human health or the environment by not requiring certification, licencing, permits or PMP registration for their use or sale. Most are federally classified as "Domestic," a few are classified as "Commercial."

☞ The list of Exempted products has been revised for the proposed regulations and is presented in the following table.

[1] The registration process involves preparation of a Pest Management Plan by the proponent (following ministry regulations and guidelines), submission of a pesticide use notice to the ministry, and confirmation by the ministry of receipt of the pesticide use notice.

Exempted pesticides proposed in the new regulations:

1. acetic acid (DOMESTIC and COMMERCIAL)	17. ferrous sulphate (DOMESTIC and COMMERCIAL)	33. piperonyl butoxide (DOMESTIC)
2. allethrin (also referred to as d-trans-allethrin, d-cis, trans allethrin) (DOMESTIC)	18. hard surface disinfectants (DOMESTIC and COMMERCIAL)	34. plant growth regulators (DOMESTIC)
3. animal repellents (DOMESTIC)	19. insect bait stations (DOMESTIC)	35. polybutene bird repellents (DOMESTIC and COMMERCIAL)
4. anti-fouling paints (DOMESTIC and COMMERCIAL)	20. insect pheromones (DOMESTIC and COMMERCIAL)	36. pyrethrins (DOMESTIC)
5. antisapstain wood preservatives used on private, industrial land owned by the company or person responsible for the application (COMMERCIAL)	21. insect repellents (DOMESTIC)	37. resmethrin (DOMESTIC)
6. asphalt solids (pruning paints) (DOMESTIC and COMMERCIAL)	22. insecticides and miticides registered for application to domestic animals (DOMESTIC and COMMERCIAL)	38. rotenone (DOMESTIC)
7. *bacillus thuringiensis* var. *kurstaki* (*Btk*) – non aerial application only (DOMESTIC and COMMERCIAL)	23. laundry additives (DOMESTIC and COMMERCIAL)	39. silica aerogel (also referred to as silica gel, amorphous silica and amorphous silica gel) (DOMESTIC and COMMERCIAL)
8. bactericides used in petroleum products (DOMESTIC and COMMERCIAL)	24. material preservatives (DOMESTIC and COMMERCIAL)	40. silicon dioxide, also referred to as "diatomaceous earth" (DOMESTIC and COMMERCIAL)
9. boron compounds (DOMESTIC)	25. methoprene (DOMESTIC)	41. slimicides (COMMERCIAL)
10. boron compounds for insect control and wood preservation with up to 5 % copper (COMMERCIAL)	26. mineral oils for insect and mite control (DOMESTIC and COMMERCIAL)	42. soaps (DOMESTIC and COMMERCIAL)
11. capsaicin (DOMESTIC, COMMERCIAL and RESTRICTED)	27. n-octyl bicycloheptene dicarboximide (DOMESTIC)	43. sulphur, including lime sulphur sulphide sulphur and calcium polysulphide (DOMESTIC and COMMERCIAL)
12. cleansers (DOMESTIC and COMMERCIAL)	28. naphthalene for fabric protection (DOMESTIC)	44. surfactants (DOMESTIC and COMMERCIAL)
13. corn gluten meal (DOMESTIC and COMMERCIAL)	29. paradichlorobenzene for fabric protection (DOMESTIC)	45. swimming pool algicides and bactericides (DOMESTIC and COMMERCIAL)
14. deodorizers (DOMESTIC and COMMERCIAL)	30. pesticides in aerosol containers (DOMESTIC)	46. tetramethrin (DOMESTIC)
15. fatty acids (DOMESTIC)	31. pesticides registered for topical application to domestic animals (DOMESTIC and COMMERCIAL)	47. wood preservatives (DOMESTIC)
16. ferric phosphate (DOMESTIC and COMMERCIAL)	32. phenothrin, also referred to as d-phenothryn (DOMESTIC)	48. wood preservatives used on private, industrial land owned by the company or person responsible for the application (COMMERCIAL)

3. *Who has power to make and administer regulations under the Act? What is the role of IPM Committee and Environmental Appeal Board? What decisions can be appealed under the Act?*

The *IPM Act* mandates the appointment of an **Administrator** for the legislation with powers and duties to issue, amend or revoke licences, certificates or permits – as well as to delegate specific duties to assistant administrators and to designate inspectors (i.e., specific persons employed by the government, the government of Canada or a local government).

The Lieutenant Governor in Council (provincial Cabinet) may make regulations pertaining to administrative penalties and restricting the authority of a municipality or a regional district to make bylaws in relation to prescribed pesticide uses.

☞ The minister may make or amend regulations ("**Minister's Regulation**") addressing such areas as pesticide classification and exemptions, prescribing when a licence, certificate, permit or PMP registration is required, setting objectives for the handling, sale and use of pesticides, and also consultation and notification, prescribing the qualifications and engagement of qualified monitors, and establishing fees and penalties up to limits set out in the Act.

☞ The Administrator may make or amend regulations ("**Administrator's Regulation**") addressing such areas as terms and conditions for licences, certificates and permits, and pest management plans, standards for the storage, transport, use and disposal of pesticides, and the manner in which public consultation, notification and record keeping is to be carried out.

Under the Act, the minister may appoint an **Integrated Pest Management Committee**, chaired by the Administrator, that includes representatives of government ministries responsible for agriculture, environmental protection, forests and health. The IPM Committee has responsibility to: 1) review applications for permits and requirements for use, handling, release, transport, storage, disposal and sale of pesticides; and 2) perform other duties that "the minister requires."

A person may appeal a decision under the *IPM Act* to the **Environmental Appeal Board**, established under terms of the *Environmental Management Act*. A decision is defined as: making an order (other than a "minister's order"); specifying terms and conditions (except those prescribed by the Administrator in a licence, certificate or permit); revoking or suspending, amending, or refusing to issue, amend or renew a licence, certificate or permit; revoking or suspending a PMP registration;[2] determining to impose an administrative penalty; or determining that the terms and conditions of an agreement regarding administrative penalties have not been performed.

4. *What general standards for the labelling, stor_e, transport and disposal of pesticides must be followed?*

Pesticides must be stored in their original containers, or in properly labeled containers designed for pesticide storage. If a pesticide is not labeled by individual package, any drum or tank used for storage or transport must have a conspicuously displayed label that shows the active ingredient common name, the trade name, the pesticide concentration and the name of the manufacturer or owner.

---

[2] Confirmed pesticide use notice, acknowledging completion of a Pest Management Plan following regulations and guidelines.

Any person who stores a pesticide – other than domestic pesticides – must store it separately from food intended for human or animal consumption in a facility with ventilation to remove vapours to the outside atmosphere, signage, access and security measures. A sign must be posted on the outside of each door giving access to the storage facility that states: "Warning: Chemical Storage – Authorized Persons Only" in clearly visible block letters.

Fumigants, and other pesticides that release vapours with a high inhalation hazard (i.e., with a "danger poison" symbol on their label), are not to be stored in a facility that is within or attached to a building where people reside.

Pesticides must be transported in a manner: that is sufficient to prevent escape, discharge or unauthorized removal of the pesticide from the transport vehicle; and that prevents contamination of food or drink intended for human or animal consumption, or of household items such as furnishings, clothes, toiletries, or bedding.

No specific regulations are proposed for disposal of pesticides, since this is addressed in the Hazardous Waste Regulation of the *BC Environmental Management Act*. That regulation prohibits burial of pesticides and requires rinsing of commercial pesticide containers before disposal.

B. Information for Pesticide Vendors (Licensees)

1. Who requires a licence? Who is exempted from general licencing requirements?

A licence is required for the sale of pesticides labeled for domestic, commercial or restricted use. Licence categories (e.g., pesticide vendor, pesticide service provider, non-service pesticide user) will be listed on application forms. An applicant must indicate the category for which the licence is applied, and can apply for more than one category of licence.

To be eligible for a licence, an applicant must: a) hold appropriate certification, or have one or more employees who hold such certification; b) have an office for conducting business with an address in BC; and c) identify the location where pesticides are stored, business is conducted and records kept. The Administrator may suspend or revoke a licence for failure to comply with regulations. A licence is not transferable without the written authorization of the Administrator and a licensee may only sell pesticides at the place of business identified on the licence application. The Administrator is to be informed of a change of address in the licensee's place of business within 30 days of the change.

A pesticide vendor licence is **not required** if you are:

- A person who purchases, sells or uses only Exempt pesticides;
- A manufacturer of pesticides, or the agent of a manufacturer supplying pesticides to a pesticide wholesaler;
- A wholesaler of pesticides to vendor licensees or registered veterinary surgeons;
- A wholesaler of pesticides returning a pesticide to the manufacturer of the pesticide or the manufacturer's agent; or
- A veterinary surgeon or ☞ an individual under the direct or indirect supervision of a registered veterinary surgeon selling or using a pesticide for the treatment of animal pests. Note that this also means a veterinary surgeon would not have to engage certified dispensers for the sale of pesticides under their supervision.

2. What are the fees and terms of a pesticide vendor licence?

☞ The licence fee for the sale of pesticides, is based on the types and amount of pesticide sold per year:

- To sell pesticides that are labeled for domestic use or to sell less than 100 kilograms/year of pesticides labeled for commercial or restricted use, the fee is $250 per term; or
- To sell 100 kilograms or more per year of pesticides labeled for commercial or restricted use, the fee is $1,000 per term.

A term runs from the date of commencement, to March 31 of the year following the date of commencement (e.g., the maximum length of one term is from April 1 to March 31 of the following year).

☞ A licence may be valid for a one, two, three, four or five terms, as requested by the applicant. The fee for a multi-term licence is the fee per term times the number of terms requested – for example, the fee for a two term vendor licence (approximately 2 years) for the sale of only domestic use pesticides would be $500 (2 years x $250 fee/term).

3. What certified staff is a licensee required to engage, and what is their role?

A licensee selling pesticides (except Exempt pesticides) must ensure that a certified individual is available on the licensee's premises to assist with pesticide handling, storage and emergency response, and to provide advice regarding the use of IPM and safe use of a pesticide to non-certified, non-licenced purchasers on the purchaser's request. A copy of each certified staff member's certificate must be available for inspection at the place and time a pesticide is sold.

To be eligible for certification or recertification, a person must be at least 16 years of age and have successfully passed a designated examination or completed specified continuing education requirements.

4. Who may pesticides be sold to? What information must be provided to purchasers?

A licensee must not sell a pesticide to a person who has not reached 16 years of age. Only a certified applicator or their agent may purchase a Permit Restricted or Restricted pesticide.

☞ Each purchaser must be informed by means of a sign or verbally that the pesticide can only be used in accordance with label directions, and provided with the opportunity to obtain advice on the use of Integrated Pest Management.

5. What are the requirements for pesticide storage and signage at a vendor site?

Pesticides, other than those classified as Exempt or Domestic, must be stored separately from food intended for human or animal consumption in facilities with specified ventilation, signage, access and security measures.[3] A sign must be posted on the outside of each door giving access to any storage facility for such pesticides that states: "Warning: Chemical Storage – Authorized Persons Only" in clearly visible block letters.

Licensed vendors selling only Domestic pesticides must display or store them in a manner that separates the pesticides from the nearest food or drink intended for human or animal consumption by a direct distance of at least 10 m (or as "otherwise approved by the Administrator").

---

[3] The facility must be separated from other areas of the vendor's business premises by floor to ceiling walls constructed of wood, fibreboard, plaster, brick or other solid material; and have its entrance door to the exterior or, if inside, have a self-closing door. The facility must be ventilated to remove vapours to the outside atmosphere.

Vendor and service licensees (as well as pesticide manufacturers, distributors, formulators and wholesalers) handling or storing pesticides[4] are required to notify the appropriate fire department of the presence of pesticides on their premises. Pesticides must be stored in their original containers, or in containers customarily used for pesticide use or storage, and clearly labeled with the pesticide name and concentration.

6. How are pesticide sales recorded and reported?

Licensees will be required to maintain a record of sales of Commercial, Restricted and Permit Restricted classes of pesticides (i.e., all pesticides except those classed as Domestic or Exempt). The record must include: the date of purchase; the purchaser's name and contact information; the dispenser's name and certificate number; and details concerning the pesticide sold (trade name, *Pest Control Products Act* registration number, container size and number of containers). The record must be kept up to date, maintained for at least the three previous years, and available at the licensee's office location for examination by an inspector at any time.

An annual summary of pesticide sales must be submitted to the Administrator before April 1 of every year (for the previous calendar year's sales). The annual summary is to include information for all Commercial, Restricted and Permit Restricted class pesticides sold by the licensee, including: each product's trade name, *Pest Control Products Act* registration number and active ingredient; and the total litres or kilograms of each pesticide sold (by trade name).

C. Information for Pesticide Users ("Service" and "Non-service" Licensees)

1. Who requires a licence? Who is exempted from general licencing requirements?

A licence is required by a person or company who provides a service using pesticides and by a non-service provider who uses pesticides for specified purposes. (Note that all requirements for licensees would apply to private forest landowners under a Private Forest Landowners Association proposal to operate under a "forest pest management licence" – see the "Discussion Box" in the Overview section of the *Intentions Paper*.)

Licence categories (pesticide service provider, non-service pesticide user) will be listed on the application form. An applicant must indicate the category for which the licence is applied, and can apply for more than one category of licence. As well, the application form will request information on the general type of pest management proposed to be undertaken by the applicant (e.g., agriculture, forestry, fumigation, industrial vegetation, landscape, mosquito, and structural).

When a non-service provider is using a pesticide, a licence will be required for the following specified uses:

A. On **public land**[5] to manage:

- Pests of structures and commodities (including rodent control associated with facilities and use of fumigant gases);
- Pests of landscapes (including weeds in sidewalks and parking lots);

---

[4] Except Exempted pesticides.

[5] Public land means: Crown land that is not private land; including land or a building that is owned or used for its own purposes by a municipality or regional district, a university or other higher education institution, a board of school trustees or education authority, a hospital board or district, or a government corporation.

- Vegetation on land used for the production of timber where pesticide is applied to less than 20 ha per year by any one land management agency;
- Vegetation on industrial sites where pesticide is applied to less than 20 ha per year by any one land management agency;
- Invasive plants (noxious weeds) where pesticide is applied to less than 20 ha per year by any one land management agency;
- Mosquitoes, where the pesticide to be used is "*Bti*" and the total area on which it is to be applied is less than 1 ha per year by any one land management agency; or
- Roots in pipes; or

B. On **private land or property:**[6]

- ☞ In rooms occupied as living accommodation – or to the common area[7] – in a multi-residence building that has four or more residences (unless applied by a person to their own residence);
- To manage vegetation on land used for public utilities, transportation or pipelines, where pesticide is applied to less than 20 ha per year by the land management agency; or
- ☞ On land used for forestry. (Note that this is a new proposal brought forward by the Private Forest Landowners Association – the ministry invites detailed comment on this subject – see the "Discussion Box" in the Overview section of the *Intentions Paper* for a more complete description of the proposal.)

Note that when a land management agency uses a licenced pest control service company, the land management agency is not also required to hold a licence.

A pesticide service licence is **not required** if you are:

- A person who uses only Exempt pesticides;
- A person who is directly employed or contracted to use pesticides by a licensee;[8]
- ☞ A person who on their own land, or on their leased private land, provides a service using a pesticide on products brought to that site (e.g., wood preservation facilities); or
- A veterinary surgeon or an individual under the direct or in direct supervision of a veterinary surgeon using a pesticide for the treatment of animal pests.

To be eligible for a licence, an applicant must: a) hold, or have one or more employees who hold, appropriate certification; b) have an office for conducting business with an address in BC; c) hold coverage for insurance if required by the Administrator;[9] and d) identify the location where pesticides are stored, business is conducted and records kept. A licence may be suspended or revoked by the

---

[6] "Private land" under the proposed regulations includes Crown land (other than Crown land covered by water) used by a person under agreement with the Crown for aquaculture purposes, or for agricultural, grazing or other farming purposes (i.e., Crown land leased or managed for primarily agricultural purposes but not Crown land used primarily for forestry on which there is also an agreement to graze cattle).

[7] A "multi-residence common area" is defined in the proposed regulations as: an indoor area that may be accessed by all occupants, inside a private or publicly owned multi-residence building and outdoors, on a multi-residence property, within 5 m of a residence, or in areas used for recreation or resident passage.

[8] Note, however, that a licensee who contracts out services to a non-licensee will be responsible for the actions of the contractor, including requirements for ensuring that certified individuals are undertaking or supervising the application of pesticides.

[9] Insurance requirements for licensees will not be specified in the regulations when first brought into force, and will be included in future amendments after further consultation on this issue.

Administrator for failure to comply with regulations. A licence is not transferable without the written authorization of the Administrator. The Administrator should be informed of a change of address in the licensee's place of business within 30 days of the change.

2. *What are the fees and terms of pesticide user licences?*

☞ The licence fee for use of pesticides **for landscape and/or structural pest management** is based on the number of offices from which the applicant's business is conducted.[10] The fee is:

– From one office	$250.00 per term
– From two or three offices	$500.00 per term
– From four or more offices	$1,000.00 per term

☞ The licence fee for use of pesticides **for other purposes** (e.g., for managing invasive plants, managing vegetation on industrial land) is based on the area per year on which pesticide is applied. The fee is:

– On less than 50 ha per calendar year	$250.00 per term
– On 50 to less than 500 ha per calendar year	$500.00 per year
– On 500 or more ha per calendar year	$1,000.00 per term

Note that the fee for a licence applicant to use pesticides for two of the fee categories and/or to sell pesticides will be the fee for the one category that is highest (i.e., a combined fee is not required). An individual or company would require only one licence if engaged in both the use and sale of pesticides.

A term runs from the date of commencement to March 31 of the year following the date of commencement (e.g., the maximum length of one term would be from April 1 to March 31 of the following year).

☞ A licence may be valid for a one, two, three, four or five terms, as requested by the applicant. The fee for a multi-term licence will be the fee for one term, times the number of terms applied for (e.g., the licence fee for use of pesticide by a landscape or structural pest management from one office for three terms (approximately 3 years) would be 3 x $250=$750).

3. *What certified staff is a licensee required to engage, and what is their role?*

As one of the conditions of application for a licence, an applicant must hold the category of certificate (or have one or more employees who hold the category of certificate) that corresponds with the type of pest management to be conducted.

A licensee using a pesticide (except an Exempt pesticide) must ensure that a certified individual:

- Uses the pesticide or is continuously present to supervise the use of the pesticide;
- Has a copy of the certified individual's certificate available for inspection at the place and time of the pesticide use;
- Has the category of certificate that corresponds with the type of pesticide use (as approved by the Administrator);

[10] An "office" is where business is conducted, records are kept or pesticides are stored – whether mobile or permanent.

- Supervises not more than four individuals who use a pesticide at a site; and
- Maintains continuous technologically unassisted visual or auditory contact with the uncertified individuals who apply the pesticide.

Further information concerning certificates and certified individuals is provided in the following section (Section D) of this Questions and Answers document.

4. *How will a licensee be required to use Integrated Pest Management?*

☞ Licensees will be required to conduct the following IPM activities as part of the process of using pesticides:

a. Measures to achieve pest prevention are to be considered, and employed or communicated to clients where appropriate;

b. Pest species or pest complexes that will be managed are to be correctly identified;

c. Monitoring is to be conducted to determine that pests are present and where they are located;

d. Treatment thresholds for each pest or pest complex are to be established and used to determine when to use the pesticide;

e. Pest treatment methods are to be selected based on consideration of practical alternatives to pesticides and the protection of human health and the environment; and

f. The effectiveness of pesticide use is to be evaluated.

Guidelines will be developed to clarify acceptable actions to meet these objectives, given that prevention cannot be employed for some pest treatments; and that various degrees of monitoring, use of thresholds and evaluation are appropriate for different treatment situations.

5. *What measures must a licensee undertake in order to protect human health and the environment when using pesticides?*

A licensee will have to follow common standards for human health and environmental protection listed in Section G of this document. The licensee will also have to follow any additional standards specific to permittees and PMP registrants, and any additional standards for a particular pest management sector or type of pesticide, if they are providing services for a person who holds a permit or PMP registration.

6. *What records of pesticide use need to be maintained?*

Licensees will be required to maintain records of pesticide use for each location or day of use that include:

- The client's name and address (when a pesticide is applied on a fee-for-service basis), or the name and address of the person who owns or manages the land where the pesticide is used (when a pesticide is applied on a non-service basis);
- The certified individual's name and certificate number (of the person who supervises the use of the pesticide);
- The size and location of the area where the pesticide is used, and the date and time of use;
- The name of the pest or purpose for using the pesticide;

- The common trade name of the pesticide and its registration number under the *Pest Control Products Act* (Canada);
- The method and rate of application and total quantity of each pesticide used;
- The prevailing meteorological conditions, including temperature, precipitation and velocity and direction of the wind, during outdoor applications;
- ☞ Pest monitoring methods and treatment thresholds used to fulfill IPM requirements; and
- ☞ Precautions given to the owner, manager or occupant on the land or property where the pesticide was used, including the re-entry period, days-to-harvest information (where applicable), and any additional precautions taken to minimize exposure to the pesticide.

Licensees will be required to maintain a current record of use – available upon request at the licensee's office location for examination by an inspector at any time for three years from the date of use of the pesticide.

☞ Under a proposal from the Private Forest Land Owners Association, a licensee using pesticides for forest vegetation management on private land, where the treatment area is greater than 20 ha per year, will also be required to maintain the following operational records:

- Monitoring results, including observations of pest abundance, environmental conditions, pest damage assessments used to determine treatment timing and locations, and pesticide application equipment calibration records;
- A detailed site map showing areas proposed for treatment and areas within the overall area of treatment to be excluded from pesticide application for the protection of water quality, fish habitat and designated critical wildlife habitat (subject to site conditions at time of treatment). The licensee is to be able to provide the detailed map to the Administrator, upon request, within 72 hours;
- The posting of signs related to pesticide treatments; and
- The effectiveness and impacts of pesticide treatments.

7. *What records of pesticide use must be submitted annually to the Administrator?*

An annual summary of pesticide use must be submitted to the Administrator before April 1 of every year (for the previous calendar year's use). The annual summary is to include information for all pesticides used by the licensee, including: each product's trade name, *Pest Control Products Act* registration number and active ingredient; and the total litres or kilograms of each pesticide sold (by trade name).

☞ Under a proposal from the Private Forest Landowners Association, a licensee using pesticides for forest vegetation management on private land, where the treatment area is greater than 20 ha per year will also be required to submit to the Administrator the following information with their annual summary of pesticide use:

- Description of treated areas and application methods used;
- Total area treated and total areas treated with each pesticide; and
- The estimated area and methods of non-pesticide pest control methods employed.

8. *How must the Administrator be informed of specified pesticide uses, or an unplanned release of a pesticide?*

On application for a licence, an applicant must indicate if they intend to:

- Use a pesticide on public land;
- Apply a pesticide from an aircraft; or
- ☞ Use a fumigant gas pesticide.

Alternatively, a licensee may undertake such uses by informing the Administrator, in writing, of their intentions at least 48 hours prior to the first such use during the term of the licence.

A licensee must notify the Administrator as soon as practically possible of any discovery of non-compliance with the regulations that involves a release of a pesticide into the environment.

9. *What is the content of a treatment notice for use when pesticides are to be used in living accommodations, in common and restricted access areas of multi-residence buildings and in outdoor public use areas? If the notice must be posted, how should it be displayed?*

☞ A treatment notice is to include, at a minimum, the following information:

a. A description of the area to be treated and name of the targeted pest;

b. Pesticide(s) to be used, including product name, active ingredient(s) and *Pest Control Products Act* (Canada) registration number;

c. Date and start time of the proposed application;

d. Alternative dates and times of proposed application (if necessary);

e. Name and licence number of the service licensee and the phone number at which the licensee can be reached to obtain more information;

f. Precautions, including a statement that indicates the period of time following treatment during which people should not enter the treated area (re-entry period) and any additional precautions needed to minimize exposure to the pesticide(s) or residues; and

g. Days-to-harvest information where fruit-bearing trees or other food crops are treated.

☞ Posted treatment notices are to have the following characteristics:

a. For signs posted in outdoor areas, be at least 550 cm^2 in size (i.e., letter size), or for signs posted in indoor areas, be at least 200 cm^2 in size;

b. Be constructed of water resistant material where exposed to potential rain or sprinklers;

c. Use type or letters of sufficient size and clarity to be readily legible prior to entry into areas of pesticide use;

d. Contain a cautionary symbol (such as a stop sign or raised hand) that draws the attention of people that may enter the treatment area; and

e. In bold capital letters state the words "NOTICE OF PESTICIDE USE" (or alternatively, the category of pesticide (e.g., "insecticide," "herbicide") in place of the word "pesticide").

10. What are the notification requirements for use of pesticides in living accommodations, in common and restricted access areas of multi-residence buildings and in outdoor public use areas? What situations are exempted from notification requirements?

☞ The proposed regulations include specific notification requirements for licensees who use pesticides indoors in areas occupied as a residence and in the common areas and restricted access areas of "multi-residence" buildings.[11] As well, there are notification requirements for outdoor areas around residences and other public use areas.

The regulations are intended to ensure that **advance notification** about pesticide use is provided to building managers and users of any indoor area used as living accommodation, and indoor and outdoor common areas associated with residences. Notification of the public about a pesticide use in other public use areas will be required **immediately before** a pesticide treatment. Licensees will also be required to provide the site owner or manager (or their representative) with written notice **immediately following** treatment using a pesticide – informing the individual that the pesticide use occurred and noting any differences between the information provided in the treatment notice and the actual application of the pesticide.

☞ Notification for pesticide use in living accommodations

A service licensee intending to use a pesticide in any area occupied (or intended to be occupied) as living accommodation must:

- Give a written treatment notice at least 72 hours prior to the pesticide use to an occupant of the area to be treated, and to the building owner or manager, or their representative (if different than the occupant); and
- Where an occupant cannot read English, provide notice written in a language that the occupant can read, or convey the information verbally in a manner understandable to the occupant.

The time between treatment notice and treatment may be reduced, if agreed to by the occupant and building manager.

If a service licensee uses a pesticide in an area used as living accommodation that is unoccupied (but available for occupation) at the time of pesticide use, they must ensure that:

- No person occupies the area until at least 24 hours after the pesticide use;
- Anyone assuming occupancy of the area within 24 hours of the pesticide use is provided with a copy of the treatment notice; and
- A treatment notice is posted at each entrance to the treated area before pesticide use and is not removed for at least 24 hours following pesticide use.

☞ Notification for multi-residence common areas

A "multi-residence common area" is defined in the proposed regulations as an indoor area that may be accessed by all occupants of a private or publicly owned multi-residence building, or an outdoor area of such a property that is within 5 m of a residence, or an area used for recreation or resident passage. Multi-residence common areas include: apartment and condominium hallways, meeting rooms and laundry

[11] A "multi-residence building" is one having two or more residences.

rooms; outdoor areas within 5 m of apartments, condominiums or townhouse buildings, trailers in trailer parks, and campsites in campgrounds; and play areas or walkways of such properties.

Prior to application of a pesticide in a multi-residence common area, a service licensee will have to ensure that the building manager, has been given a treatment notice at least 48 hours prior to pesticide use, and that each person with access to the common area is given a treatment notice, or a treatment notice is posted at each entrance to an indoor treated area and at all gates or openings leading to outdoor treated areas[12] at least 48 hours prior to, and 24 hours following, pesticide application.

If agreed to by all persons with access to the area, the time before treatment that a treatment notice must be posted and disseminated may be reduced.

☞ Notification for multi-residence restricted access areas

A "multi-residence restricted area" is defined in the proposed regulations as an indoor or outdoor area of a multi-residence property that is not being used for living accommodation and is not readily accessible to the general public or most building users. This would include a common area to which access can be restricted until after applicable post-treatment re-entry and ventilation periods have elapsed.

Prior to application of a pesticide in a multi-residence restricted access area, a service licensee will have to ensure that the building manager has been given a treatment notice at least 48 hours prior to pesticide use, and that a treatment notice is posted immediately before pesticide use, or before anyone enters the treated area within 24 hours following pesticide use they are given a treatment notice.

If agreed to by the building manager, the time before treatment that a treatment notice must be given can be reduced.

☞ Notification for outdoor public use areas

An "outdoor public use area" is defined in the proposed regulations as an outdoor landscaped area that is likely to be used for recreation or human passage on a commercial property or public land.[13] A service licensee will need to post a treatment notice immediately prior to pesticide use, and to ensure that the notice is not removed for at least 24 hours following pesticide use.

☞ Exemptions from notification requirements

The posting of a notice before pesticide use in multi-residence common or restricted areas, or public use areas, **is not required** in the following circumstances:

- Insecticides are used in cracks and crevices and public access will not occur until after the applicable no re-entry period;
- Insect bait stations or bait gels which do not contain peanut products are used in locations that are concealed and inaccessible to pets or children;
- Insecticides are used on a wasp nest, provided that access to any indoor area where a pesticide is used is restricted until the applicable re-entry period;

---

[12] In situations where a fence does not control access to a treatment area, the licensee must post notices at intervals around the area in such a manner that any person approaching the area will be alerted to the treatment.

[13] Note that this does not include outdoor areas within the definition of "multi-residence common areas" (i.e., outdoor areas within 5 m of a residence, or outdoor areas on a multi-residence property used for recreation or resident passage).

- Rodenticides are used in accordance with the standards for pesticide use in the regulations;
- Herbicides are used on weeds in sidewalk or road pavement cracks; or
- Granular pesticides are used in flower or shrub beds and are incorporated into soil.

A Medical Health Officer may direct in writing reduced notification requirements for pesticide use in areas occupied as living accommodation, in common and restricted access areas of multiple-residence buildings and to control adult mosquitoes on private land.

11. What specific notification is required for use of pesticides in schools and childcare facilities?

☞ A treatment notice must be given to the school or facility administrator, principal or manager (or their representative) at least 72 hours prior to any indoor or outdoor application of a pesticide on a school or childcare property. The time before treatment that a treatment notice must be given can be reduced if agreed to by the person responsible for the school or facility.

12. What specific notification requirements apply to pesticide use for the control of mosquitoes using fogging on private lands?

☞ A licensee will have to provide a treatment notice at least 48 hours prior to pesticide application: to the occupants or managers of adjacent properties within 200 m of the area to be treated; and to local beekeepers whose bees may be adversely affected by the pesticide use.

13. What specific notification requirements apply to use of fumigant gases?

☞ Notice of treatment information must be posted at all entrances to a site before release of a fumigant gas, and the notice must remain posted until after the site is confirmed to be safe for re-entry.

14. What specific notification requirements apply to pesticide use for forest vegetation management (in situations that do not require a PMP registration)?

Note that this is a new proposal put forward by the Private Forest Landowners Association – the ministry invites detailed comment on this subject – for a complete summary of the proposal see the "Discussion Box" in the Overview of the *Intentions Paper*, available from the ministry website listed in the introduction to this document.

☞ Before applying a pesticide to an area that is within 150 m of an adjacent property, the licensee must notify the owner or legal occupant of that land (if the adjacent property is privately owned), or the manager (if it is public land). Notification must be given at least 14 days before pesticide use (unless the person or the person's agent indicates in writing that they do not want to be notified) and must include:

- The location of the treatment area;
- The pesticide and application method;
- The width of any no treatment zones that will be maintained from all water supply intakes or wells used for domestic purposes, livestock, or the watering or irrigation of agricultural crops;
- A request for information concerning the presence and location of any wells, water intakes or land uses that may require protection from the pesticide application; and

- The name, address and telephone number of a principle contact for information concerning the proposed pesticide use.

☞ Pesticide use for forest vegetation management on private land (where the treatment area is greater than 20 ha in a year) will also require a notification to the Administrator. This notice of intent to treat (NIT) will need to be submitted to the Administrator once a year at least 14 days prior to commencement of pesticide use for that year. The notice will have to include a description of proposed pesticide treatments and locations, and an overview map or diagram (or reference to a map) at an appropriate scale to identify proposed locations of use. More than one NIT may be submitted in a calendar year.

The annual area to be treated may be increased by up to 10% of the total area indicated in the NIT, provided that detailed site maps and treatment information for the proposed additional areas are reported to the Administrator at least 48 hours prior to treatment.

D. Obtaining a Certificate for the Sale or Use of Pesticides

1. Who requires a certificate? What are the examination requirements? What is the term? What is required to renew a certificate?

A certificate is required for the sale of pesticides and for specified uses of a pesticide. Certificates will be specific to particular categories of sale (e.g., domestic or commercial pesticides) or use (e.g., agriculture, forestry, fumigation, industrial vegetation, landscape, mosquito and structural), as identified on the certificate. A certificate of the appropriate category must be held by:

- Any person using a Permit Restricted or Restricted class pesticide;
- The pilot of an aircraft when applying a pesticide (except an Exempted pesticide); or
- An individual who performs the duties as required by the regulations for a person who holds a licence, permit or PMP registration (e.g., providing advice when requested by customers purchasing a pesticide or using or supervising the use of a pesticide).

The use or sale of an Exempted pesticide does not require a certificate.

To be eligible for a certificate, a person must be at least 16 years of age and have successfully passed a designated examination. The examination may be written or oral (or both), and will be based on a syllabus set out in the regulations.[14] Examinations will be held at a time and place specified by the Administrator.

A certificate is valid on issue for the category endorsed on it, and for a period of up to five years, at the discretion of the Administrator. It is not transferable and is valid only for the person named on the certificate. The Administrator may suspend or revoke a certificate, or require a certificate holder to complete a course of instruction or re-take a certification exam, at any time over the term.

☞ For certificate renewal, a candidate may rewrite the examination or may enrol in a program to obtain continuing education credits. A certificate holder will be able to renew their certificate by obtaining a minimum of 20 "continuing education credits." One hour training from an agency or association approved

[14] ☞ The syllabus is to include: general pesticide characteristics, regulations, labeling, human health, pesticide safety, environmental protection, pest management, application technology, emergency response and professionalism as required by the Standards for Pesticide Education, Training and Certification in Canada, published by Health Canada.

by the Administrator will be considered to be one continuing education credit. Approved training agencies will be required to: register applicants; ensure attendance of each registrant throughout each training session; obtain verification from the Administrator that the information provided in the training session is approved for credits; and maintain records of each training session and the number of credits obtained by each registrant over set periods of time (i.e., the period of each registrant's certificate). Of the 20 credits required for certificate renewal, a minimum of four credits must address IPM related topics, two credits must address application technology and two must address the protection of human health and the environment.

2. What are the fees for certification and renewal?

☞ The fee for taking a certification examination, payable upon application, will be $90.[15] A person who twice fails to attend an examination may be deemed to have forfeited the application fee.

The fee for renewal of a certificate for an applicant has obtained the required continuing education credits, will be $25 payable on application.

E. Obtaining a Permit for Specified Pesticide Uses

1. What pesticide uses require a permit? In what situations is a permit not required?

☞ A permit will be **required for**:

- Use of a pesticide assigned to the Permit Restricted Class;
- Aerial application of any pesticide over urban areas, and aerial use over other areas except where indicated below (under the heading "A permit is not required for");
- Pesticide application on public land or to a body of water that is not human-made and self-contained, other than those uses where a licence or PMP registration is required by the regulations (subject to the list of exemptions described below); or
- Pesticide use that requires a licence or PMP registration and for which a deviation is requested from requirements concerning preparation of a Pest Management Plan, consultation or notification requirements, or other requirements for use of pesticides specified under the regulations.[16]

A permit is **not required for**:

- Use of a pesticide assigned to the Exempted class;
- Use of a pesticide on public land used primarily for agricultural production;[17]
- Aerial application on land used primarily for agricultural production;
- ☞ Aerial application of a pesticide whose main active ingredient is derived from a micro-organism (e.g., *Btk*, *Bti*), or of glyphosate, and is used in accordance with requirements for use of a licence or a PMP registration;[18] or

---

[15] Note that study materials sold by the Ministry of Management Services will be available to assist candidates preparing for pesticide certification examinations. The price of these study kits will be approximately $100.

[16] The permit required in this case is for the deviation and does not replace the requirement for the licence or PMP registration that would be required if no deviation was requested.

[17] Note that "public land used primarily for grazing" under terms of the proposed regulations does not include land used for grazing under the authority of a grazing licence or grazing approval.

- ☞ Use of a pesticide for research purposes, as allowed under the *Pest Control Products Act* (Canada) and regulations.

2. What are the application requirements for a permit? How long is a permit valid? What is the permit fee?

To be eligible for a permit, an applicant must: have an office with an address in BC; submit to the Administrator evidence that consultation has been conducted in accordance with terms of the regulations or as otherwise directed by the Administrator; provide a description of proposed actions that will be taken in response to comments received during consultation; and if required by the Administrator, submit a pre-treatment evaluation.

A permit is valid on issue for a period not exceeding three years, as determined appropriate by the Administrator. A permit is not transferable and may be suspended or revoked by the Administrator at any time.

☞ The fee for each application for a permit is $1,000.

3. What consultation actions are required of a permit applicant?

A permit applicant will be required to undertake specified public consultation, including consultation with First Nations as required in the regulations and in accordance with ministry guidelines. This will include a requirement to take proactive steps to contact individuals or members of organizations or communities that may be impacted by the proposed treatment actions, and to engage in a meaningful exchange of information about the proposed actions and their potential impacts on the environment and First Nations interests (e.g., traditional activities (if any) conducted at or near the sites proposed for treatment).

An applicant will also be required to publish a notice with details of the proposed application and consultation information in a newspaper circulated in the area(s) of the proposed application site(s), in accordance with the directions under the regulations regarding format, content and timing, for the holder of a PMP registration, or as otherwise directed by the Administrator.

4. What certified staff is a permittee required to engage, and what is their role?

A permittee must ensure that a certified individual:

- Uses the pesticide or is continuously present to supervise the use of the pesticide;
- Has a copy of the certificate available for inspection at the place and time of the pesticide use;
- Has the category of certificate that corresponds with the type of pesticide use (as approved by the Administrator);
- Supervises not more than four individuals who use a pesticide at a site; and
- Maintains continuous technologically unassisted visual or auditory contact with the uncertified individuals who apply the pesticide.

[18] This exemption does not apply to aerial application over residential properties or urban areas.

5. What are the public notification requirements for use of pesticides under a permit?

The permittee will be required to make a copy of the permit and any relevant maps available for inspection by the public (including First Nations) within the vicinity of the location where the pesticide is to be used. The permittee may also be required (under direction of the Administrator) to issue or publish a notice of the relevant details of the permit to those people who may be affected by the use of the pesticide. Direct notification of specified groups or individuals including First Nations may also be required, in relation to interests and issues identified during consultation.

F. Using Pesticides under a Pest Management Plan Registration

A PMP registration is confirmation from the Ministry of Water, Land and Air Protection of their receipt of a pesticide use notice stating proposed use of pesticides and the completion of a Pest Management Plan.

1. What classes of pesticides and pesticide uses require PMP registration?

☞ PMP registration will be required for the following uses of a pesticide:[19]

- To manage vegetation and forest health for the production of forest timber on public land where pesticide is to be applied to an area greater than 20 ha per year by any one land management agency;[20]
- To manage mosquitoes, not including pesticide use on private property directed by the owner or manager of that property, and not including situations where the pesticide to be used is *Bti* and the total area on which it is to be applied is less than 1 ha per year by any one land management agency;
- To manage invasive alien plants, including noxious weeds (as defined under the *BC Weed Control Act*), not including use on private property or public land used primarily for agricultural production and directed by the owner of that property;
- To manage vegetation, and for the purpose of wood preservation, on railway rights-of-way, yards, and associated signal and communication facilities;
- To manage vegetation on road, power transmission, and pipeline rights-of-way;
- To manage vegetation on industrial sites on public land, other than railways or other rights- of-way, where the area to which pesticide is applied is greater than 20 ha per year by any one land management agency; and
- To protect wood poles from rot and decay on public utility rights-of-way.

Note that a person who is providing a service using a pesticide under a PMP registration will still require a licence.

---

[19] Unless the pesticide is classified as: 1) Permit Restricted, in which case a permit would be required; or 2) Exempted in which case neither a permit or a PMP registration is required.

[20] Note that the Private Forest Landowners Association has brought forward a proposal that pesticide use on private land used for forestry would require a licence, rather than a PMP and PMP registration – the ministry invites detailed comment on this subject – for a more complete discussion of the proposal see the "Discussion Box" in the Overview section of the *Intentions Paper*, available from the ministry website listed in the introduction to this document.

2. *What is the process for preparing a PMP, receiving ministry confirmation and proceeding with IPM and pesticide use?*

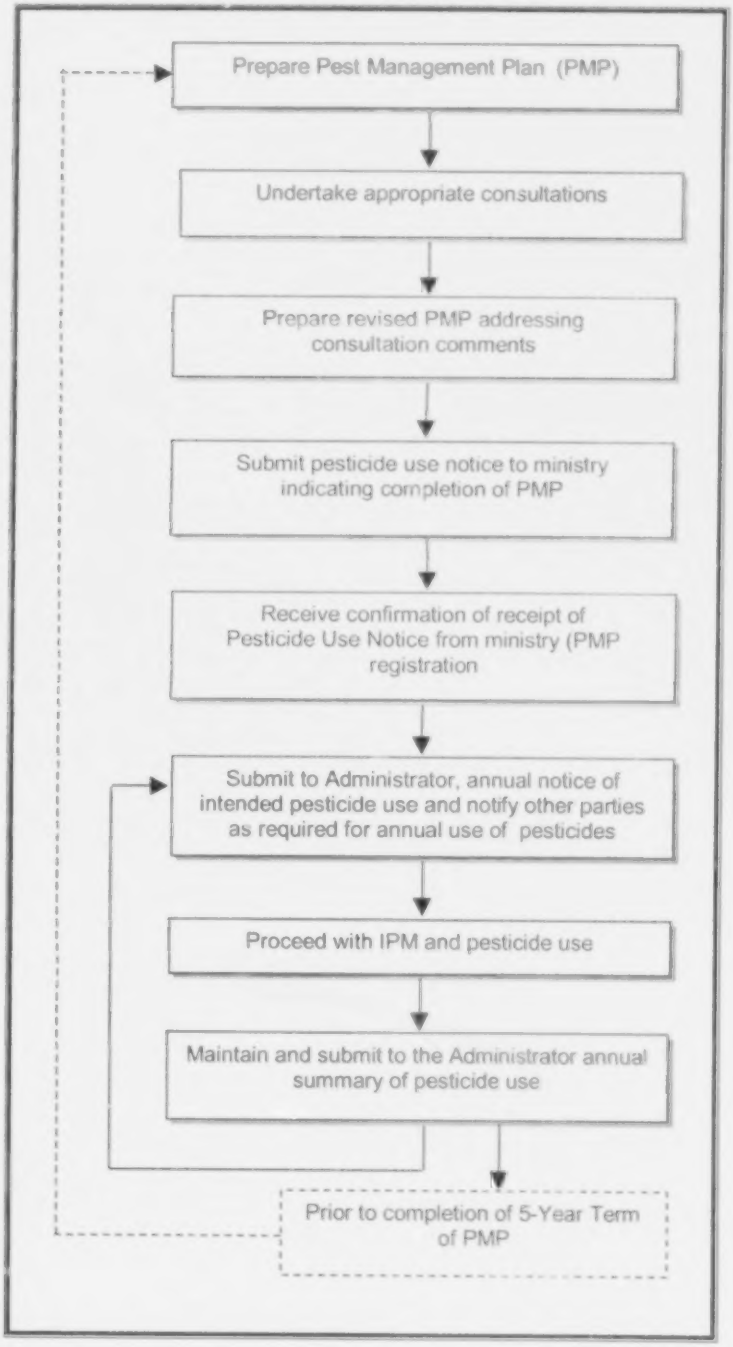
☞ A proponent intending to use IPM and apply pesticides who falls within the categories that require preparation of a Pest Management Plan and pesticide use notice will follow a process that includes: preparation of a PMP; consultation with the public, including First Nations, and identified interests; consideration of consultation comments in finalizing the PMP; submission of a pesticide use notice to the ministry; and receipt of confirmation the ministry received the pesticide use notice (PMP registration).

Once a confirmation of a pesticide use notice has been received, the registrant may proceed with uses specified in the pesticide use notice subject to standards in the regulations. The registrant will be required to maintain records, notify the Administrator of intended use each year and submit to the Administrator an annual summary of the use of IPM and pesticides used for each year of activity over the term of the PMP registration.

The confirmation of a pesticide use notice (PMP registration) issued by the ministry ceases to be valid if suspended or revoked by the Administrator. It is not transferable without the written authorization of the Administrator.

This process is summarized in the accompanying figure.

Pest Management Plan and pesticide use notice (PMP registration) Process:


Prepare Pest Management Plan (PMP)
Undertake appropriate consultations
Prepare revised PMP addressing consultation comments
Submit pesticide use notice to ministry indicating completion of PMP
Receive confirmation of receipt of Pesticide Use Notice from ministry (PMP registration
Submit to Administrator, annual notice of intended pesticide use and notify other parties as required for annual use of pesticides
Proceed with IPM and pesticide use
Maintain and submit to the Administrator annual summary of pesticide use
Prior to completion of 5-Year Term of PMP

3. What are the required contents of a Pest Management Plan (PMP)?

☞ A Pest Management Plan will have to include the following information:

- Project location and responsible parties:
  - The geographic boundaries within which pest management, including pesticide use, will take place, and
  - The person or legal entity responsible for managing the land area, principle contact and contact information;
- Integrated Pest Management elements:
  - A description of the planning and management activities that will be used to prevent pest problems,
  - The correctly identified targeted pest species or pest complexes,
  - A description of the monitoring strategy (including methods, frequency of monitoring, and data to be collected),
  - The specified thresholds to be used in deciding whether a pesticide treatment is warranted (including an explanation of how thresholds were determined and how they will be used),
  - The treatment options (including a description of the pesticide and non-pesticide controls that may be used, the rationale for the selected control methods, the benefits and limitations of each control method, and a description of the decision making process for using differing treatment methods in different circumstances), and
  - A description of the monitoring strategy (including the data to be collected to evaluate the effectiveness in preventing pest damage and the extent of undesirable impacts); and
- Operational practices:
  - Pesticide handling practices (including: transportation methods and precautions; safe storage practices for mixing, loading and applying pesticides; procedures for the disposal of empty pesticide containers and residual products or mixed pesticide; and pesticide spill procedures),
  - Environmental protection practices (including: the strategy to protect community watersheds, and domestic and agricultural water sources, from pesticide contamination; the strategy to protect fish and wildlife, wildlife habitat and riparian areas from the effects of pesticides; the strategy to protect humans from consuming food or water contaminated by pesticide within the PMP area; procedures for maintenance and calibration of pesticide application equipment; and procedures to monitor weather conditions and how pesticide application will be modified in relation to weather conditions), and
  - Application procedures for each pesticide (including the application method to be used, and the type of application equipment and its deployment).

4. What consultations must an applicant for a PMP registration conduct?

☞ Public consultation, including consultation with First Nations as appropriate, will be required in the regulations and must be in accordance with ministry guidelines and policy. This will include the requirement to take proactive steps to contact representatives of organizations or communities that may be impacted by actions contemplated under a proposed PMP.

An applicant will be required to:

- Place an advertisement with specified information in one or more paid circulation newspapers in the proposed PMP area at least twice within a two-week period (and at least 45 days before submission of the pesticide use notice to the Administrator);
- Undertake all reasonable efforts to contact and consult with individuals and organizations in the proposed treatment area who may potentially be significantly impacted by the pesticide use activities proposed in the PMP; and
- Retain records of: the newspaper advertisements used to publicize the proposed PMP; efforts made to contact relevant representative organizations; all public comments made in response to the proposed PMP; and the proponent's response to public comments.

The proposed and revised Pest Management Plan must be provided to any individual or organization that requests it from the proponent. Any copying or printing charge for a copy of a PMP must be no more than $0.25 per page.

5. *What information must be submitted to the ministry in a pesticide use notice?*

☞ Before a PMP can be implemented, the applicant must submit to the Administrator (with the appropriate fee) a pesticide use notice that is consistent with information included in the PMP, and the ministry must return a confirmation of receipt of the pesticide use notice (PMP registration) to the applicant. The following information will be required on the pesticide use notice:

- Name and contact information of the applicant (i.e., the landowner or agent responsible for the PMP);
- Category of pest management (in accordance with the categories set out in the regulations);
- A description of the geographic area where use of IPM and pesticides is proposed (including the provincial regional districts in the area);
- A list of the active ingredients of the pesticides proposed for use in the PMP;
- Whether aerial application of a pesticide is proposed as a treatment method in the PMP;
- The name, telephone and fax number, and e-mail address of the principal contact person regarding the PMP;
- The location(s) where the PMP may be viewed and copied;
- The maximum area, or the maximum number of poles, on which pesticide is to be used within any one calendar year;
- The fee appropriate to the maximum area, or maximum number of poles, on which pesticide is to be used within any one calendar year; and
- A declaration, signed by a signatory of the applicant, that the PMP was prepared according to regulations, that pesticide use will be conducted according to regulations, and that IPM will be practiced.

6. *How long is a PMP registration valid? What are the fees for submission of a pesticide use notice?*

☞ A registration of a pesticide use notice will be valid on issue of the ministry confirmation for a period requested by the applicant, not to exceed 5 years. Fees are based on the specified area of pesticide use or on the number of poles treated in any one-year of the term of the PMP registration:

– For use on less than 50 ha in any one-year of the term covered by the notice (and PMP)	$500.00
– For use on 50 to less than 500 ha in any one-year of the term	$1,000.00
– For use on 500 ha or more in any one-year of the term covered by the notice (and PMP)	2,000.00

To use pesticides for the maintenance of poles on rights-of-ways, the fees are:

– For less than 1,000 poles per year	$500.00
– For 1,000 to less than 10,000 poles per year	$1,000.00
– For 10,000 or more poles per year	$2,000.00

7. *How may a pesticide use notice be amended? What is the fee?*

☞ A PMP registration (confirmation of receipt of pesticide use notice) and the associated PMP may be amended without additional fee[21] – following appropriate consultations on the part of the applicant, revision of the PMP and submission to the ministry the revised information on a pesticide use notice amendment form.

The applicant will be required to conduct consultation on the proposed amendment if any of the following information has changed from the original submission:

- The category of pest management has changed;
- The geographic area where pesticide is to be used is outside the originally identified area;
- The pesticide active ingredients have changed; or
- Aerial application is to be included as a treatment method.

8. *What is an annual notification of intended pesticide use and what information should be provided to the Administrator?*

A PMP registrant will be required to submit to the Administrator an annual notification of intended pesticide use indicating proposed treatment(s) and location(s) of treatment, at least 21 days prior to the commencement of pesticide use for each calendar year of the term of the PMP. The notification will have to include diagrams, maps or map references of an appropriate scale to identify the locations of proposed pesticide use, and be consistent with the information in the associated PMP and PMP registration.

Pesticide use is limited to areas specified in the annual notice of intended pesticide use provided to the Administrator. However, the area where pesticide use is proposed in the annual notification of intended

---

[21] Unless the proposed amendment increase the maximum size of the area to be treated, or the maximum number of poles treated with pesticide within any one calendar year – such that the required fee associated with the size of the PMP increases. In such cases, the amended pesticide use notice (PMP registration) must be accompanied by the additional required fee.

pesticide use may be increased by up to 10% – provided that detailed site maps and treatment details of the additional proposed areas are provided to the Administrator at least two business days prior to intended use.

9. What public notification is required before the holder of a PMP registration uses pesticides?

Before commencing pesticide use, a PMP registrant must ensure that notification of the intended use is given to those individuals or agencies who were offered direct notification during the consultation to finalize the PMP.

If an area proposed for pesticide use is to be used for grazing by domestic livestock, the PMP registrant is to notify all authorized graziers of the treatments as well as the potential impact on forage resources, no less than 48 hours before treatment.

Prior to pesticide use, signs are to be posted at access points where bystander access is likely to occur. The signs must contain the information specified in the regulations and the wording must be legible to a person approaching the treatment area. For aerial pesticide applications to areas where bystander traffic is likely to occur, the signs shall be posted at least 24 hours prior to treatment. The signs should not be removed for a minimum of 14 days following treatment.

Prior to pesticide use for mosquito control (and in addition to other notification requirements) the holder of a PMP registration will have to notify the public of the intended pesticide use by means of an advertisement in a newspaper circulated in the treatment area, radio broadcast, and/or direct notification of appropriate residents and property owners or managers.

10. What certified staff is the holder of a PMP registration required to engage, and what is their role?

The holder of a PMP registration must ensure that a certified individual:

- Uses the pesticide or is continuously present to supervise the use of the pesticide;
- Has a copy of the certificate available for inspection at the place and time of the pesticide use;
- Has the category of certificate that corresponds with the type of pesticide use (as approved by the Administrator);
- Supervises not more than four individuals who use a pesticide at a site; and
- Maintains continuous technologically unassisted visual or auditory contact with the uncertified individuals who apply the pesticide.

11. What records must be maintained and what must be reported to the Administrator?

In addition to the requirements to maintain records for the use of pesticides set out in the regulations for licensees, the holder of a PMP registration will be required to maintain the following records:

- Monitoring results, including observations of pest abundance, environmental conditions and pest damage, used to determine when and where to treat, and the results of pesticide application calibrations;
- Treatment area maps (or reference to relevant maps or diagrams in a PMP);
- A detailed site map showing areas proposed for treatment and areas within the overall area of treatment to be excluded from pesticide application for the protection of water quality and fish

habitat, biodiversity and wildlife subject to site conditions at time of treatment (these features are to be identified as required under the Forest Practices Code in a site plan or under the *Forest and Range Practices Act* in a forest stewardship plan). The PMP registrant is to be able to provide the detailed map to the Administrator, upon request, within 72 hours;

- The posting of signs related to pesticide treatments; and
- An assessment of the effectiveness and impacts of pesticide treatments.

An annual summary of pesticide use, including all information required under the regulations, covering each calendar year of operations, is to be submitted to the Administrator before March 31 of the following year. This summary will include: the pesticide use notice confirmation number; the pesticide applied and the relevant Pest Control Product registration numbers; a description of the treated areas; the application methods used; the total area treated (ha) and the total area treated with each pesticide; the quantity of each active ingredient applied (kg); and the estimated area (ha), and methods used, where non-pesticide control methods were applied.

The holder of a PMP registration must notify the Administrator as soon as practically possible of any discovery of non-compliance with the regulations that involves release of a pesticide into the environment.

12. How should the holder of a PMP registration use Integrated Pest Management?

A holder of a PMP registration will be required to ensure the following IPM actions are carried out:

a. Reasonable measures, as described in the PMP, are taken to prevent pest problems;

b. Pest species or pest complexes that will be managed are correctly identified;

c. Monitoring has determined the location and abundance of pest organisms, relevant environmental conditions and features, and damage or potential damage that could be caused by the pests;

d. Treatment thresholds for each pest or pest complex, as established in the PMP, are used to determine when to use a pesticide;

e. Treatment methods are selected based on considerations of a range of pest control methods and the protection of human health and the environment, as specified in the PMP; and

f. Pre-treatment and post-treatment observations are made in the PMP area in order to evaluate the effectiveness and impact of treatments.

13. What measures must a holder of a PMP registration undertake in order to protect human health and the environment when using pesticides?

A holder of a PMP registration will have to follow the standards for human health and environmental protection listed in Section G below. If a licensee provides services for a person who holds a PMP registration, that licensee would also have to follow additional standards and direction specific to the PMP, and any additional standards for a particular pest management sector or type of pesticide.

G. Standards for the Protection of Human Health and the Environment When Using Pesticides

Note that certain standards apply to any person using a pesticide, and others that apply to all licensees and holders of a PMP registration. There are also additional standards that apply only to holders of a PMP registration, or for specific pesticides or types of pesticide use as specified below.

☞ All standards that apply to licensees would also apply to the "forest pest management licensee" under the proposal from the Private Forest Landowners Association (described in the "Discussion Box" of the Overview of the *Intentions Paper*).

1. What human health and environmental protection standards apply to every person using a pesticide?

Fundamental requirements of the *IPM Act* and Regulation that apply to any person using a pesticide remain unchanged from the current *Pesticide Control Act*:

- Pesticides can only be used in the manner allowed under the federal Pest Control Products Act (e.g., according to label directions); and
- No one shall use a pesticide in a manner that causes or is likely to cause an unreasonable adverse effect. The Administrator under the IPM Act is given the power to order any person to stop using, handling, storing or disposing of a pesticide if the Administrator considers that it will cause an unreasonable adverse effect.

In addition, no one is to wash or submerge in a body of water, equipment or a container used to mix or apply a pesticide; and no one is to fill a container used for mixing or applying a pesticide directly from a body of water or irrigation system unless steps are taken to prevent back siphonage.

2. What additional general human health and environmental protection standards must all licensees and holders of a PMP registration follow?

All licensees and PMP registrants will be expected to:

- ☞ Ensure that pesticide users working under supervision of a certified individual are informed of the treatment location, requirements for personal protection and the pesticide use procedures required to protect human health and the environment;
- Ensure that all application equipment is to be in good working order and calibrated (if required) to ensure pesticide label use rates can be achieved;
- Conduct an inspection of the treatment site to ensure that regulations can be complied with (and, for aerial pesticide uses, the pilot will be expected to conduct a pre-treatment inspection of the proposed treatment area to ensure familiarity with the boundaries and other critical features of the target area);
- Not apply a pesticide within 30 m of water wells and domestic water intake, unless it is determined with reasonable certainty by the licensee or PMP registrant, that water contamination will not occur;
- Take precautions to prevent bystander exposure to pesticide spray;
- Take appropriate precautions to ensure that pesticides are used in a manner that protects for their intended use, domestic and agricultural water sources, and soil used for agricultural crop production;
- Establish an appropriate distance between an outdoor pesticide treatment area and natural water bodies to prevent release of pesticide spray or runoff into the water body;

- Establish an appropriate distance between an outdoor pesticide treatment area and adjacent properties, to prevent release of pesticide spray or runoff into adjacent property;[22]
- Take appropriate precautions to avoid application of pesticides over vertebrate wildlife or domestic animals that are visible to the applicator;
- Not apply outdoor pesticide sprays when wind speeds exceed 8 km/hr, based on wind speed measurements at the time and location of each use (unless such application is otherwise allowed for by the pesticide product label);
- Conduct all outdoor pesticide spraying only during daylight hours between 30 minutes before sunrise and 30 minutes after sunset (with the exception of mosquito adulticiding);
- Not use residual herbicides on any soils saturated with water, or when heavy rainfall is imminent or occurring;
- Not spray pesticides on vegetation that has ice, frost or flowing water on target foliage (unless such use is specifically allowed for on the product label);
- Ensure that herbicide treatments are conducted in a manner sufficient to maintain vegetation needed to prevent stream bank erosion or debris transport that would result in significant downstream negative impacts to water bodies, and to prevent the loss of vegetation needed to maintain the stability of slide tracts; and
- If an area proposed for pesticide treatment is used for grazing by domestic livestock, inform all authorized graziers and the responsible land manager of the treatments, as well as potential impacts on the forage resource and appropriate precautions.

3. *What additional general human health and environmental protection standards must holders of a PMP registration follow?*

In addition to the standards for all licensees, PMP registrants also must ensure that during pesticide use, all pesticide applicators have immediate access to maps, diagrams or other appropriate visual indicators of the intended boundaries of pesticide use. These maps, diagrams, documents or visual indicators are to contain the location of any pesticide free zones, no-treatment zones and features that may require protection (Note that pesticide use is limited to the areas specified in the annual notice of intended pesticide use provided to the Administrator with the following standards.)

All PMP registrants (and "forest pest management licensees" under the proposal put forth by the Private Forest Landowners Association) will also be expected to:

- Ensure that a minimum 10m pesticide-free zone (measured horizontally) is maintained along all water bodies and wet or dry streams, unless otherwise prescribed;
- Use the highwater mark of water bodies and watercourses as the starting point for measurement of pesticide-free zones;
- Provide adequate buffer zones (distance between the boundary of pesticide use and the pesticide free zone) to ensure that the pesticide-free zones are maintained when pesticides are applied; and
- When a proposed pesticide treatment is likely to kill bees, take reasonable measures to contact registered beekeepers in the area of proposed treatment – to determine whether bee colonies will be affected and what methods will be implemented to minimize any impact to bee colonies.

[22] The distance may be reduced if the adjacent property owner or manager gives their approval.

4. *What additional human health and environmental protection standards apply to pesticides used for forest vegetation management?*

A licensee practicing forest vegetation management (including a "forest pest management licensee" under the proposal put forth by the Private Forest Landowners Association) and the holder of a PMP registration for forest vegetation management will (in addition to common human health and environmental protection standards) specifically be required to:

- Conduct required monitoring activities on which treatment is based within 18 months prior to treatment;
- Maintain a minimum 10 m pesticide-free zone (measured horizontally) along all water bodies and wet or dry streams unless otherwise prescribed;[23]
- Maintain a minimum 10 m pesticide-free zone along all classified wetlands,[24] where required on Crown land and unless otherwise prescribed; and
- Not apply pesticides to temporary freestanding water, unless otherwise prescribed.

5. *What additional human health and environmental protection standards apply to pest management on railways (including rights-of-way and associated facilities)?*

A licensee and holder of a PMP registration for pest management on railways and railway facilities will (in addition to common human health and environmental protection standards) specifically be required to:

- Apply pesticides using only ground operated application equipment;
- Not apply pesticides to any *Rubus spp.* (raspberries and blackberries) that are greater than 3 m away from rails, signals and switch stands for the period from opening of flowers until the berries are predominantly dropped from the vines;
- When shrouded booms are used, not apply pesticides when wind speeds exceed 16 km per hour;
- Not apply pesticides from a vehicle moving at a speed greater than 16 km per hour, except where shrouded booms are used (in which case the vehicle may move at a speed up to 30 km per hour);
- For the treatment of ballast and railway yards and individual tree treatments along the right-of-way, maintain a minimum 1 m no treatment zone along any temporary freestanding water body that: a) is not fish bearing at any time of the year; and b) does not drain into fish bearing waters;[25] and
- Take sufficient measures to prevent pesticide deposition below the highwater mark of water bodies and streams when using wood preservatives on railways.[26]

---

[23] This standard is already noted above for all PMP registrants, but is repeated here because it also applies to pesticide use under a licence for forest vegetation management.

[24] Classified wetlands are defined under the Forest Planning and Practices Regulation of the *Forest and Range Practices Act*.

[25] This is an exception to the 10 m pesticide free zone required for pesticide uses in other situations.

[26] Use of wood preservatives on railways is exempted from other provisions pertaining to pesticide free zones, wind speed, signage requirements, application vehicle speeds and post-treatment inspection.

6. *What additional human health and environmental protection standards apply to pesticides used for control of invasive plants (noxious weeds)?*

A licensee and holder of a PMP registration for control of invasive plants (noxious weeds) will (in addition to common human health and environmental protection standards) specifically be required to:

- Not use herbicides intended for the control of invasive plants or noxious weeds beyond 1.5m of targeted plant species;[27] and
- Make efforts to identify and protect active release and collection sites of biological invasive plant control agents.

7. *What additional human health and environmental protection standards apply to use of pesticides for mosquito control?*

A licensee and holder of a PMP registration for use of pesticides for control of mosquitoes will (in addition to common human health and environmental protection standards) specifically be required to:

- Not use mosquito larvicides in permanent fish-bearing waters or in waters that have permanent direct surface water connections with fish-bearing waters;[28]
- Apply larvicides to water bodies only where water dip samples have confirmed the presence of larvae above established treatment thresholds;
- Document the efficacy of larvicide use by pre-treatment and post-treatment larval samples;
- Use products containing methoprene only in storm water catch basins or human-made, self-contained water bodies;
- Not conduct spraying for adult mosquito control during daylight hours between 30 minutes before sunrise and 30 minutes after sunset;
- Not use propoxur in bird nesting or staging areas, wildlife or bird sanctuaries, ecological reserves, or other critical habitat;[29] and
- Advise residents within 200 m of ground based adulticiding operations, in writing at least 72 hours prior to the proposed treatment, of the proposed treatment and precautions to be taken to minimize exposure to the pesticide.

8. *What specific human health and environmental protection standards apply to use of particular pesticides (glyphosate, picloram, triclopyr, Bt, fumigant gases, rodenticide baits, slug bait)?*

Requirements for human health and environmental protection may be adjusted for individual pesticides if the product is proven to have such characteristics as low toxicity or low leechability, or if the product has characteristics that require specific directions for handling or application.

---

[27] "Weeds" are plant species designated as noxious under the *BC Weed Control Act* or invasive under the Invasive Plants Regulation under the *Forest and Range Practices Act*.

[28] A local representative of Fisheries and Oceans Canada must be consulted where the fish bearing status of a water body is unknown.

[29] Critical habitat is defined in the BC *Wildlife Act* and the federal *Species At Risk Act* (SARA).

Use of glyphosate in situations other than forest vegetation management by a licensee or holder of a PMP registration

A minimum 5 m pesticide free-zone must be maintained along all water bodies that are fish bearing at any time of year, or drain directly to fish-bearing waters. This distance may be reduced to 2 m for: railway ballast, signal, switch and yard areas; other industrial areas to be maintained as vegetation-free; or when selective application methods are used. The distance may also be reduced to 1 m for control of noxious weeds and invasive plants, provided that selective application methods are used between 1 m and 10 m from the highwater mark of applicable water bodies.

For non-fish bearing waters, glyphosate may be applied:

- Up to 2 m of the highwater mark along all water bodies that are not fish bearing at any time of year and do not drain directly to fish-bearing waters;
- Up to but not within the highwater mark of temporary free standing water bodies that are not fish bearing at any time of year and do not flow directly into fish bearing water bodies; or
- Over dry streams that are not fish bearing at any time of year and do not drain directly into fish bearing water, at any time of year.

Use of glyphosate for forest vegetation management by a licensee or holder of a PMP registration

A licensee or holder of a PMP registration for forest vegetation management will be required to a maintain a minimum 10 m pesticide free-zone along all water bodies, streams and classified wetlands, except:

- For control of noxious weeds and invasive plants, the minimum pesticide-free zones to be maintained can be reduced to 1 m, provided that selective application methods are used in areas between 1 m and 10 m from the highwater mark;
- Along a water body or wetland that is non-fish bearing at any time, the pesticide free-zone may be reduced to 2 m provided that selective application methods are used in areas between 2 m and 10 m from the highwater mark;
- Along any temporary free-standing water body greater than 10 m^2, where glyphosate may be applied up to but not within the highwater mark, provided that: it is not a wildlife habitat feature; it is non-fish bearing and is not directly tributary to a fish bearing water body or stream; it is easily visible to the applicator; and selective application methods are used in areas between the highwater mark and 10 m of the highwater mark;
- Along any temporary freestanding water body, where glyphosate may be applied up to and within the highwater mark, provided that the water body is: not a wildlife habitat feature; non-fish bearing; not directly tributary to a fish bearing water body or stream; and is not easily visible to the applicator, less than 10$m,^2$ or resulting from mechanical silvicultural activity; or
- Along any dry stream, where glyphosate may be applied up to and within the highwater mark, provided that the dry stream is: not a wildlife habitat feature; non-fish bearing; and not directly tributary to a fish bearing water body or stream.

Use of picloram

A licensee or holder of a PMP registration will be required to ensure that products containing picloram are not used:

- In coastal areas (including on Vancouver Island and within the Regional Districts of Greater Vancouver, Fraser Valley, Squamish-Lillooet, Sunshine Coast, Central Coast, Mount Waddington and Kitimat-Stikine);
- Where groundwater or shallow aquifers are within 1.8 meters of the surface, unless there is a minimum 50 cm layer of soil finer than sandy loam to prevent leaching of picloram to groundwater; or
- Areas prone to flooding.

As well, products containing picloram shall not be applied to ditches (dry or wet) that drain, at any time of the year, overland directly or indirectly to a water body or a stream, or to water sources used for irrigation purposes.

Use of triclopyr

A licensee or holder of a PMP registration applying triclopyr for foliar treatments over known unconfined aquifers will be required to ensure that use is restricted to selective treatments.

The maximum wind speeds of 8 km per hour for application of outdoor pesticide sprays does not apply to basal bark treatment with triclopyr.

Aerial application of triclopyr will require a pesticide use permit.

Use of *Bacillus thuringiensis* var. *kurstaki (Btk)* and *Bacillus thuringiensis* var. *israeliensis* (*Bti*)

Specific provisions pertaining to protection of human health and the environment will not apply to the use of *Btk* and *Bti* by a licensee or holders of a PMP registration. These excluded provisions include those concerning: prevention of contamination of water; no treatment zones around wells; signage around vegetation; notification of graziers; and protection of vertebrate wildlife.

Use of fumigant gases

A licensee or holder of a PMP registration will be required to:

- Monitor every application of fumigant gases for leaks, treatment efficacy, safe re-entry conditions, and safe levels of human exposure (when fumigant is released into or immediately adjacent to buildings or spaces where people may be present);
- Restrict entry to treated areas by unprotected persons until fumigant gas concentrations are determined by the certified applicator to be at safe levels;[30] and
- Ensure that any release of a fumigant gas into the atmosphere during aeration activities is done in a manner that prevents human exposure to hazardous concentrations of fumigant.

[30] Note that safe concentrations and/or concentrations are written on the product label.

Use of rodenticide baits

A licensee or holder of a PMP registration will be required to apply rodenticide baits in a manner that ensures:

- The baits are in rigid-wall bait containers that are fastened down to prevent tipping or removal and remain securely closed for the period of time that they are in use, or they are applied in locations and in a manner that ensures unauthorized people and domestic pets cannot gain access to them; and
- When bait containers are used, that listed on the inside or outside of the container lid is: the word "Poison"; contact information for the applicator so that information can be obtained about the pesticide use at that site; and the pesticide active ingredient name and/or Pest Control Products registration number.

For applications in areas occupied as living accommodation, or in common areas that may be accessed by children, the applicator will ensure that the bait:

- Contains a bittering agent, such as denatonium benzoate;
- Does not contain peanut products where susceptible people may be exposed to these products; and
- Is removed from the treatment area and destroyed, if any remains after completion of a baiting program.

Use of slug bait (in landscape pest management)

A licensee or holder of a PMP registration will be required to deploy slug bait that may be hazardous to children, domestic animals or wildlife in bait stations that are resistant to tampering by children or animals, or to apply the bait in areas that are inaccessible to humans and bait-sensitive animals.

H. Requirements for a private forest landowner holding a licence for management of vegetation on private forest land

1. Under the proposal put forward by the Private Forest Landowners Association, what are the requirements for a private forest landowner conducting vegetation management under a licence?

Under the proposal put forward by the Private Forest Landowners Association (PFLA), the requirements for landowners who apply pesticides to less than 20 ha per year would be the same as for a crown land tenure holder or other crown land manager who also apply pesticides to less that 20 ha per year for forest vegetation management. Private forest landowners who apply pesticides to more than 20 ha per year would have similar requirements to a PMP registrant for crown land, although PMP registrants would have a few additional requirements. These requirements are summarized below.

A. Forest Vegetation Management on Less Than 20 ha per Year

When a landowner or crown land tenure holder or manager uses pesticide for forest vegetation management on less than 20 ha per year, the following requirements would apply:

- IPM requirements would include prevention, identification, monitoring, use of thresholds, consideration of various pest treatment methods, and review of effectiveness;

- Notification would be required if pesticide is to be applied within 150 m of an adjacent property; the notification must be given at least 14 days to the property owner, occupant or manager and would include a request for information concerning the location of any wells, water intakes or land uses that may require protection;
- Records to be maintained would include locations of pesticide use, pesticides and quantities used, methods and rates of application, meteorological conditions, pest monitoring methods and treatment thresholds;
- An annual summary of pesticide use that includes the name and quantity of each pesticide used must be submitted to the Administrator;
- All the standards for human health and environmental protection that apply to all licensees (see Section G) would pertain to forest management, as well as:
  - Monitoring activities are to be conducted within 18 months prior to treatment,
  - A 10 m pesticide free zone is to be maintained along all water bodies, classified wetlands, and wet or dry streams unless otherwise prescribed (e.g., there are reductions for use of glyphosate),
  - Pesticide-free zones shall be measured from the highwater mark of water bodies and water courses,
  - Applicators shall provide adequate buffer zones (distance between the boundary of pesticide use and the pesticide free zone) to ensure that the pesticide-free zones are maintained, and
  - Pesticides are not to be applied to temporary freestanding water, unless otherwise prescribed (e.g., there are exceptions for some uses of glyphosate).

B. Forest Vegetation Management on Greater Than 20 ha per Year

All of the requirements for vegetation management on less tha 20 ha per year would apply to larger areas. The following additional requirements would apply to landowners for pesticide use on more than 20 ha per year. These requirements are similar to those required by a PMP registrant and include:

- Notification to the Administrator of intent to use pesticides, submitted at least 14 days prior to the commencement of first pesticide use each year, including proposed pesticide treatments, and locations and an overview map;
- Additional maintenance of records on detailed site maps showing areas proposed for treatment and areas to be excluded for the protection of water quality and fish habitat, monitoring results, the posting of signs and effectiveness and impacts of pesticide treatments;
- Additional information submitted to the Administrator with the annual summary of pesticide use, including a description of the treated areas and application methods used, the total areas treated with each pesticide, and the estimated area on which non-pesticide control measures were used; and
- Notification of beekeepers when a proposed pesticide treatment is likely to kill bees, by taking reasonable measures to contact registered beekeepers in the area of proposed treatment to determine whether bee colonies will be affected and what methods will be implemented to minimize any impact to bee colonies.

There are a few requirements for forest vegetation management on Crown Land under the proposed regulations for a PMP registrant using pesticides on Crown land, that **would not apply** to a private forest landowner. These include:

- Requirements to prepare a draft PMP, advertise in newspapers, consult with First Nations and the public who may potentially be significantly impacted and adjust the PMP as may be required;
- Requirement to notify the Administrator of intent to use pesticides at least 21 days prior to the commencement of first pesticide use each year;[31] and
- Records that include detailed site maps showing areas to be excluded for the protection of biodiversity and wildlife (as required under the Forest Practices Code in a Site Plan or under the *Forest and Range Practices Act* in a forest stewardship plan).

The proposal that private forest landowners obtain a licence and to follow specified requirements is referenced in Section C of this document (dealing with licences) and Section G (dealing with standards for the protection of human health and the environment). The Private Forest Land Owners Association proposal is also summarized in the Overview section of the *Intentions Paper*. The ministry invites comments on this proposal through the Response Form provided on the ministry website listed in the Introduction to this document.

[31] The PFLA proposal specifies instead a requirement to notify the Administrator at least 14 days prior to intended use.